

## REMARKS

Claims 19 to 47 are pending.

Claim 40 has been withdrawn from further consideration.

Claims 19-23, 29, 33-39, 41 and 42 are rejected under 35 USC § 103 as being unpatentable over Baumann et al. (US 3,616,970) and Gueret (US 6,033,143).

Applicant respectfully disagrees.

The Examiner considers that "it would have been obvious to one of ordinary skill in the brush application art, at the time the invention was made, to form bristles of Baumann et al. having a length ranging from 8 to 20 mm in view of the teachings of Gueret in order to provide an application which allows the product to be applied rapidly while at the same time conveying much more product than a conventional brush such that it is possible to deposit a layer thickness greater than with a conventional brush.

However, the Examiner omits that one of the key questions of the application onto skin of a fluid or gel shaving product is its capacity to form a satisfactory foam.

The problem of forming a foam is completely absent in Gueret. Moreover, forming a foam must be avoided for the application of nail varnish according to Gueret. Accordingly, Gueret teaches away from the invention.

Furthermore, for one of ordinary skill in the art, it is known that for obtaining a satisfactory foam from the application of gel or fluid shaving product, it is necessary to use brushes with long bristles, i.e. having a length of greater than 2.5 cm as explained in the specification at page 2, lines 18-30.

There is thus no incentive for one of ordinary skill in the art to combine both documents.

Furthermore, Gueret's teaching does not concern the length of bristles but the use of bristles at the end of a flexible stem and it is thanks to this flexible stem that Gueret renders possible the satisfactory application of the nail varnish, i.e. a rapid and uniform layer application.

Consequently, at the time the invention was made, the person of skill in the art who wanted to provide for an applicator for shaving product, i.e. an applicator allowing a satisfactory foaming when used, would never combine Baumann et al with Gueret since foaming must be avoided for varnishes. And even if one of ordinary skill in the art would have read Gueret, the teaching of Gueret, which is directed to the use of a flexible stem at the end of which bristles are secured, would not lead him to the applicator according to the invention.

Claim 19 is thus allowable in view of the combination of Baumann et al. and Gueret. Since claims 20-23, 29, 33-39 depend on claim 19, they are also allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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